

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Roderick Arnez Whitaker

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Case No: 5:09-CR-125-1BR

USM No: 21760-056

Date of Original Judgment: _____

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____

Amendment 750 is applicable to the defendant, but it does not have the effect of lowering the guideline imprisonment range. Because of the quantity of cocaine base for which defendant was found responsible (462.2 grams), defendant's base offense level remains 32. See U.S.S.G. § 2D1.1(c)(4) (2013).

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated June 7, 2010 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 3/18/2014

Effective Date: _____
(if different from order date)

W. Earl Britt, Senior United States District Judge
Printed name and title